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In re Application of :
BERGER, Thomas, et al. :
Application No.: 09/914,950 :
PCT No.: PCT/EP00/04733 :
Int. Filing Date: 24 May 2000 :
Priority Date: 26 May 1999 :
Attorney's Docket No.: 18446.3 :
For: ELECTRODE UNIT FOR :
RECHARGEABLE :
ELECTROCHEMICAL CELLS :

DECISION

ON PETITION UNDER

37 CFR 1.182

This is a decision on applicants' second response to Notification of Missing Requirements, filed 08 March 2002. This response is being treated as a petition under 37 CFR 1.182. The petition fee will be charged as authorized by the transmittal letter.

BACKGROUND

On 24 May 2000, applicants filed international application PCT/EP00/04733, which claimed a priority date of 26 May 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 07 December 2000. On 17 November 2000, applicants filed a demand for international preliminary examination which elected the United States, prior to nineteen months from the priority date. The deadline for entry into the national stage in the United States was midnight 26 November 2001.

On 06 September 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration executed by Thomas Berger, Birgit Fuchs, and Angela Piepke.

On 24 October 2001, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration was defective because it was not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68 and that the surcharge for late filing of the oath or declaration was due.

On 06 December 2001, applicants filed a response to the Notification of Missing Requirements, accompanied by, *inter alia*, copies of the Notification of Missing Requirements and a fax from the PCT Help Desk.

On 28 February 2002, the Office mailed Decision On Petition Under 37 CFR 1.181 granting the request to vacate the Notification of Missing Requirements mailed 24 October 2001.

and requiring that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) be submitted. It set a two month extendable period for reply.

On 08 March 2002, applicants filed "Second Transmittal Letter In Response To A Notification of Missing Requirements Under 35 USC 371," accompanied by, *inter alia*, a declaration of Angela Piepke.

DISCUSSION

Applicants' submission of a declaration of Angela Piepke stating that she is "one and the same person as Angela Mayer, the name change resulting from marriage" has been treated as a petition under 37 CFR 1.182. The statement is required to be signed in both names and to state the procedure by which the name changed. The declaration fulfills both.

The petition fee of \$130 will be charged to deposit account no. 50-0698, as authorized by the transmittal letter.

It is noted that the English translation filed on 06 September 2001 is defective because text in the drawings was not translated. As such, an English translation of the international application and the processing fee for late filing of the English translation are required.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.182 is GRANTED.

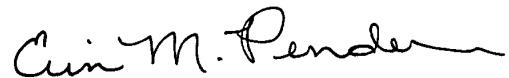
A translation of the international application and the processing fee for late filing of the English translation are required within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to await receipt of the proper reply.



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